

## SB 1220 – Schemes to Defraud

This bill amends s. 817.034, F.S., changing the definition of “scheme to defraud” so that it reads as follows (new language in bold): “a systematic, ongoing course of conduct with intent to defraud one or more persons, or with intent to obtain property from one or more persons by false or fraudulent pretenses, representations, **endorsements of nonconsenting parties**, or promises or willful misrepresentations of a future act.” Expanding this definition could have an impact on the multiple felonies currently existing under this statute. These felonies include the following for “any person who engages in a scheme to defraud and obtains property thereby” (organized fraud):

- Aggregate value less than \$20,000 – Level 3, 3<sup>rd</sup> degree felony
- Aggregate value of \$20,000 or more, less than \$50,000 – Level 5, 2<sup>nd</sup> degree felony
- Aggregate value of \$50,000 or more – Level 7, 1<sup>st</sup> degree felony

The other impacted felony falls under “any person who engages in a scheme to defraud and, in furtherance of that scheme, communicates with any person with the intent to obtain property from that person...for each such act of communication” (communications fraud). This is a 1<sup>st</sup> degree misdemeanor when “the value of property obtained or endeavored to be obtained by the communication is valued” under \$300, and a Level 1, 3<sup>rd</sup> degree felony when it is valued at \$300 or more.

This statute is further amended, stating that if one of these offenses is committed against a person 65 years of age or older or against a person with a mental or physical disability...” the offense is reclassified as follows:

- 1<sup>st</sup> degree misdemeanor increased to 3<sup>rd</sup> degree felony
- 3<sup>rd</sup> degree felony increased to 2<sup>nd</sup> degree felony
- 2<sup>nd</sup> degree felony increased to 1<sup>st</sup> degree felony
- 1<sup>st</sup> degree felony increased to life felony

Per FDLE, in FY 22-23, there were 45 arrests for the 1<sup>st</sup> degree misdemeanor offense of communications fraud under \$300, with 3 guilty/convicted and one adjudication withheld. It is not known how many additional offenders would be included with the inclusion of “endorsements of nonconsenting parties,” nor is it known how many of these involved victims that were 65 years of age or older or those with mental or physical disabilities.

Per DOC, in FY 22-23, there were 38 new commitments to prison for organized fraud under \$20,000, 18 new commitments for organized fraud that was \$20,000 or more, but less than \$50,000, and 46 new commitments for organized fraud that was \$50,000 or more. There was one new commitment for communications fraud. It is not known how

many additional offenders would be included with the inclusion of “endorsements of nonconsenting parties,” nor is it known how many of these new commitments involved victims that were 65 years of age or older or those with mental or physical disabilities.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: Senate**